

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF WEST VIRGINIA**

BECKLEY DIVISION

HARVEY L. HAYNES,

Petitioner,

v.

CIVIL ACTION NO. 5:18-cv-01399

UNITED STATES OF AMERICA,

Respondent.

MEMORANDUM OPINION AND ORDER

On October 29, 2018, the Petitioner, proceeding *pro se*, filed his Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 (Document 1). By *Standing Order* (Document 4) entered on November 2, 2018, the matter was referred to the Honorable Cheryl A. Eifert, United States Magistrate Judge, for submission to this Court of proposed findings of fact and recommendation for disposition, pursuant to 28 U.S.C. § 636.

On July 24, 2019, the Magistrate Judge submitted a *Proposed Findings and Recommendation* (Document 10) wherein it is recommended that the Petitioner's Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 (Document 1) be dismissed without prejudice and that the matter be removed from the Court's docket. Objections to the Magistrate Judge's *Proposed Findings and Recommendation* were due by August 12, 2019.¹

¹The docket reflects that the *Proposed Findings and Recommendation* mailed to the Petitioner was returned as undeliverable on August 14, 2019.

Neither party has timely filed objections to the Magistrate Judge's *Proposed Findings and Recommendation*. The Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). Failure to file timely objections constitutes a waiver of *de novo* review and the Petitioner's right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *see also Snyder v. Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984).

Accordingly, the Court **ADOPTS** and incorporates herein the findings and recommendation of the Magistrate Judge as contained in the *Proposed Findings and Recommendation*, and **ORDERS** that the Petitioner's Petition for a Writ of Habeas Corpus under 28 U.S.C. § 2241 (Document 1) be **DISMISSED without prejudice** and that this matter be **REMOVED** from the Court's docket.

The Court **DIRECTS** the Clerk to send a certified copy of this Order to Magistrate Judge Eifert, counsel of record, and any unrepresented party.

ENTER: August 23, 2019


IRENE C. BERGER
UNITED STATES DISTRICT JUDGE
SOUTHERN DISTRICT OF WEST VIRGINIA